

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$40,000.00 IN UNITED STATES  
CURRENCY,

Defendant.

Civil No. 8:18CV\_\_ 496

**COMPLAINT FOR FORFEITURE *IN REM***

COMES NOW the Plaintiff, United States of America, and for its cause of action against the Defendant, states and alleges as follows:

**Nature of the Action**

1. This is an action to forfeit property to the United States for violations of 21 U.S.C. § 881.

**The Defendant *In Rem***

2. The Defendant property consists of \$40,000.00 in United States currency seized from the residence of Alfredo Ramirez at 1525 South 25<sup>th</sup> Street, Omaha, Nebraska, on April 12, 2018, during service of a search warrant. Defendant property is presently in the custody of the U.S. Marshals Service at Omaha, Nebraska.

### **Jurisdiction and Venue**

3. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action under 21 U.S.C. § 881.

4. This Court has *in rem* jurisdiction over the Defendant property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

### **Basis for the Forfeiture**

6. The Defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes 1) money, negotiable instruments, securities and other things of value furnished or intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act, 2) proceeds traceable to such an exchange or 3) money, negotiable instruments and securities used and intended to be used to facilitate a violation of the Controlled Substances Act.

### **Facts**

7. On Thursday, April 12, 2018 approximately 0715 hours, Investigator Jaworski and members of the Nebraska State Patrol Investigative Services Division conducted a search warrant at 1525 South 25th Street, Omaha, Nebraska, Douglas County. During service of the search warrant, no individuals were present at the house. The purpose of the search warrant was an attempt to gain additional evidence in a case related to a traffic stop conducted by Trooper

Avery of the Nebraska State Patrol on April 5, 2018. During the traffic stop Trooper Avery arrested Alfredo Ramirez for possession of marijuana, possession of drug paraphernalia and possession of money during a drug crime. Trooper Avery located \$42,533 in US currency in the vehicle. Ramirez listed his residence as 1525 South 25th Street, Omaha, Nebraska.

8. On April 12, 2018, a State of Nebraska search warrant was executed at 1525 South 25th Street, Omaha, Nebraska. Investigator Estwick was assisting with the search of the residence. While searching the master bedroom closet, Investigator Estwick located a black safe with an unknown amount of U.S. Currency. It was later determined the safe contained \$40,000. A copy of the search warrant along with an inventory receipt was left at the residence showing the venue items and U.S. Currency was seized.

9. Investigators requested Douglas County Deputy Woodward to utilize his certified Police Service Dog to conduct a sniff of the money. The sniff was done at the Nebraska State Patrol Traffic Office. Deputy Woodward's Police Service Dog, Loki, gave a positive indication to the odor of narcotics coming from the currency. Investigator Jaworski is aware that Loki is currently certified in the detection of narcotic odors and was last certified in January 2018. Investigator Jaworski took the cash to the Omaha Police Credit Union to be counted. The total amount was \$40,000.

10. Neighbors in the area stated they believed Ramirez lives somewhere else and occasionally visits the house at 1525 South 25th Street. Surveillance units observed an individual who they believed to be Ramirez at the house the night before the search warrant was served. The individual was driving a black GMC pickup. Investigator Jaworski was able to locate a black GMC pickup that was registered to Alfredo Ramirez at 1525 South 25th Street.

Ramirez has not been located. The owner of the house Carmen Alcazar was contacted and advised a search warrant was being served. Alcazar stated she would like to claim the money that was seized from house and would work on obtaining documentation to show the money belonged to her.

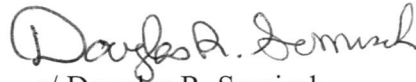
11. Pictures of the currency obtained in the April 15<sup>th</sup> traffic stop were compared with pictures of the currency found in the safe. The pictures revealed the currency was similarly bound with both black and blue bands.

#### **Claim for Relief**

WHEREFORE, the Plaintiff, United States of America, prays the Defendant property be proceeded against for forfeiture in accordance with the laws, regulations and rules of this Court; that due notice be given to all interested parties to appear and show cause why forfeiture should not be decreed; that the Defendant property be condemned, as forfeited, to the United States of America and disposed of according to law and regulations; that the costs of this action be assessed against the Defendant property; and for such other and further relief as this Court may deem just and equitable.

UNITED STATES OF AMERICA,  
Plaintiff

JOSEPH P. KELLY  
United States Attorney

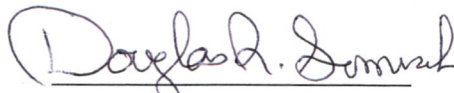


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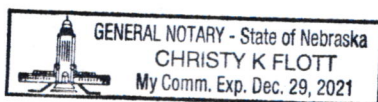
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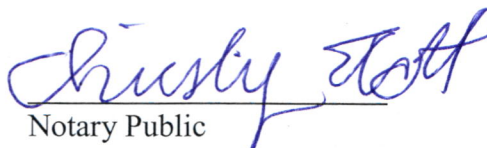
STATE OF NEBRASKA       )  
  ) ss.  
COUNTY OF DOUGLAS     )

Pursuant to Rule C(2), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Assistant United States Attorney for the District of Nebraska, Douglas R. Semisch, being first duly sworn, deposes and states the facts set forth herein are true and correct according to the best of his knowledge and belief.

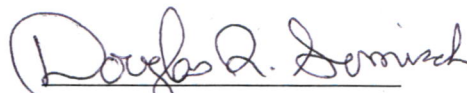
  
DOUGLAS R. SEMISCH  
Assistant U.S. Attorney

Subscribed and sworn to before me this 22 day of October, 2018.



  
Notary Public

Pursuant to the rules of this Court, the United States of America hereby requests the trial of the above and foregoing action be held in Omaha, Nebraska, and be calendared accordingly.

  
DOUGLAS R. SEMISCH  
Assistant U.S. Attorney